

TECHNICAL INFORMATION SHEET
CASE N° 12.046 MÓNICA CARABANTES GALLEGUILLOS
FRIENDLY SETTLEMENT REPORT N° 33/02
FULL COMPLIANCE
(CHILE)

I. SUMMARY OF THE CASE

Victim (s): Mónica Carabantes Galleguillos

Petitioner (s): Center for Justice and International Law (CEJIL)

State: Chile

Report on Friendly Settlement Agreement No.: [33/02](#) published on March 12, 2002

Related Rappporteurship: Rights of Women/ Rights of the Child

Topics: Right to protection of honor and dignity/ Right to Equal Protection/ Sexual and Reproductive Rights

Facts: In March 1992, Mónica Carabantes Galleguillos entered the fifth year of basic education at a subsidized private school "Andrés Bello" in the city of Coquimbo, Chile. In February 1997, Mónica Carabantes's doctor informed her that she was pregnant; the following month she began her student activities for the third year of middle school at the aforementioned institution. Her parents personally brought the situation to the attention of the school's director, who promised support and "arrangements appropriate to the case". However, on July 15, 1997, the director informed them that Mónica Carabantes could complete the current school year at the "Andrés Bello" school but that "according to internal regulatory provisions, her enrollment could not be renewed for the 1998-1999 school year". The Carabanteses contacted the Regional Office of the Ministry of Education, where they filed a complaint and requested that educational authorities take the appropriate administrative or judicial measures.

On July 24, 1997, the Carabantes family attorney filed a remedy for protection before La Serena Court of Appeals against the "Andrés Bello" school. It petitioned the court to find that Miss Carabantes had been arbitrarily and illegally deprived of her constitutional rights", inasmuch as her pregnancy was the basis for not renewing her enrollment, in violation of the right to equality before the law enshrined in Article 19(2) of the Political Constitution of Chile. As the basis for illegality, the application cited Circular N° 247, issued by the Ministry of Education in February 1991, which refers to pregnant students. The petition alleged that while this judicial remedy was pending, the attitude of the school's authorities "became considerably more hostile" toward Mónica Carabantes, to such an extent that she was sent out of an examination for the sole reason of having attended while being seven months pregnant.

The school director's report, which was submitted to La Serena Court of Appeals, justifies this action as consistent with the institution's internal regulations and appropriate, in view of "the infraction against ethical and moral standards that students in the establishment, given their age, should follow as a general rule", and maintains that the constitutional provision cited by the Carabantes family had not been violated. On December 24, 1997, in a unanimous lower court ruling, the Second Chamber of the Court of Appeals of La Serena rejected the claim for protection.

In its decision, the court ruled that the actions of the school director were legal and that the internal

regulations of the "Andrés Bello" school included a provision under which students who became mothers during a school year could not renew their enrollment the following year. On December 31, 1997, Monica Carabantes's representative appealed this judgment before the Supreme Court of Justice, which upheld the ruling of the Court of Appeals of La Serena on February 18, 1998.

Rights Alleged: The petitioners alleged that the State was internationally responsible for violation of the rights enshrined in Articles 11 (right to protection of honor al dignity) and 24 (equality before the law) of the American Convention on Human Rights. They also allege violation of the general obligation to respect and guarantee rights set out in Article 1.1 and the obligation of domestic legal effects set out in Article 2 of the said instrument.

II. PROCEDURAL ACTIVITY

1. On November 15, 2001, the parties signed a friendly settlement agreement.
2. On March 12, 2002, the Commission approved the friendly settlement agreement in Report No.32/02.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
1. To award a special scholarship of 1.24 Monthly Tax Units (UTM) to Mrs. Mónica Carabantes Galleguillos while she is enrolled in higher education.	Total¹
2. To publicize the compensatory measures by means of an official communication on the matter, to be issued jointly with regional authorities, recognizing that rights of the petitioner enshrined in the American Convention on Human Rights–freedom from arbitrary or abusive interference with her private life and equal protection of the law–were violated when her enrollment was not renewed and she was obliged to leave the educational establishment where she was pursuing her studies, THE “Andrés Bello” school in Coquimbo, a private school subsidized with co-financing, for the sole reason that she had become pregnant.	Total²
In addition, steps to be taken to disseminate recent legislation (Law N° 19,688), amending the Education Act, which contains provisions on the rights of pregnant students or nursing mothers to have access to educational establishments.	Total³

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and ceased monitoring the friendly settlement agreement in Annual Report 2007.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

¹ See IACHR, Annual Report 2003, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 90-95.

² See IACHR, Annual Report 2004, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 105-110.

³ See IACHR, Annual Report 2004, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 105-110.

A. Individual outcomes of the case:

- The State of Chile undertook a public ceremony to apologize to the petitioner, which included the symbolic presentation of the President of the Republic scholarship, effective March of that year, and throughout her higher education and that, the petitioner Mónica Carabantes Galleguillos has been receiving the scholarships since March of that year, in an average monthly sum of \$ 35,000.
- The State published the reparation measures.

B. Structural outcomes of the case:

- The State disseminated recent legislation (Law N° 19,688), amending the Constitutional Organic Education Act, which contains provisions on the rights of pregnant students or nursing mothers to have access to educational establishments.